

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

SAMUEL W. WANI,

Plaintiff,

v.

Case No. 3:17-cv-01011-YY

ORDER

GEORGE FOX UNIVERSITY; PROVIDENCE
MEDICAL GROUP; DR. THOMAS CROY,
M.D.; DOMINIC FIX-GONZALEZ; GREGG
BOUGHTON; CHRIS CASEY; JOHN BATES;
IAN SANDERS; GABE HABERLY; CRAIG
TAYLOR; DAVE JOHNSTONE; MARK
POTHOFF; and SARAH TAYLOR,

Defendants.

YOU, Magistrate Judge:

Now pending in this case is plaintiff, Samuel Wani's Motion to Compel (ECF #182), filed on June 11, 2018. Wani's motion was filed a week after the close of discovery (ECF #137), at least a month after defendants filed motions requesting judgment against all of Wani's remaining claims (ECF ##138, 148, 149, 153), and more than seven months after Wani filed his own motion for summary judgment (ECF #75). Absent the clearest showing that it would result in actual and substantial prejudice, Wani's delay in filing his discovery motion obviates this court's obligation to consider it when ruling on defendants' dispositive motions. *See C.R. v.*

Eugene Sch. Dist. 4J, 835 F.3d 1142, 1154 n.7 (9th Cir. 2016), *cert. denied*, 137 S.Ct. 2117 (2017). Nor is Wani's Motion to Compel supported by an affidavit explaining the specific facts he hopes to elicit and why those facts are essential to opposing defendants' motions, which constitutes an independent reason to denial of the motion. *Family Home and Fin. Ctr. v. Fed. Home Loan Mortg. Corp.*, 525 F.3d 822, 827 (9th Cir. 2008); *see also Hall v. State of Hawaii*, 791 F.2d 759, 761 (9th Cir. 1986) (explaining that failure to specify what information is needed and why it would preclude summary judgment justifies denial of discovery request filed in response to summary judgment motions, even when discovery is not yet closed).

Based on the above, Wani's Motion to Compel (ECF #182) is DENIED.

DATED August 8, 2018.

/s/ Youlee Yim You
Youlee Yim You
United States Magistrate Judge